

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CARINA CONERLY,

No. 2:21-cv-1132-TLN-CKD PS

Plaintiff,

v.

FINDINGS AND RECOMMENDATIONS

M.T., et al.,

Defendants.

Plaintiff proceeds pro se in this action attempting to state a claim for a civil conspiracy under 42 U.S.C. § 1983. (ECF No. 1.) This matter was referred to the undersigned by Local Rule 302(c)(3) pursuant to 28 U.S.C. § 636(b).

On July 26, 2021, the court issued an order and findings and recommendations screening the complaint pursuant to 28 U.S.C. § 1915(e) and recommending that plaintiff's ex parte application for an order granting plaintiff sole legal and physical custody of her minor daughter be denied. (ECF No. 4.) In the July 26, 2021 order, the court determined that the complaint was subject to dismissal because it did not state a cognizable claim for relief. Plaintiff was granted thirty days to file an amended complaint. Plaintiff was warned that failure to file an amended complaint would result in a recommendation that this action be dismissed. The time granted for plaintiff to file an amended complaint has expired and plaintiff has neither filed an amended complaint nor sought an extension of time to do so.

Based on the foregoing, IT IS RECOMMENDED:

1. This action be dismissed for failure to state a claim and failure to prosecute. See Fed. R. Civ. P. 41(b); and
2. The Clerk of Court be directed to close this case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: September 16, 2021

Carol H. Delaney

CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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